

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,472

IN THE MATTER OF:

Served May 9, 2007

Application of BLS LIMO GROUP,)	Case No. AP-2007-056
INC., for a Certificate of)	
Authority -- Irregular Route)	
Operations)	

Applicant seeks a certificate of authority to transport passengers in irregular route operations between points in the Metropolitan District. The application is unopposed.

This is applicant's third application for operating authority. Applicant applied in 2003 to acquire Certificate No. 185 from Bethany Limousine & Buses, Inc., but the application was denied without prejudice for failure to establish regulatory compliance fitness.¹ Applicant applied for a certificate of authority in 2005, but that application was also denied without prejudice for failure to establish regulatory compliance fitness.²

The Compact, Title II, Article XI, Section 7(a), authorizes the Commission to issue a certificate of authority if it finds that the proposed transportation is consistent with the public interest and that the applicant is fit, willing, and able to perform the proposed transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

Applicant proposes commencing operations with seven sedans, three vans, two limousines, one motorcoach, four minibuses and one SUV. Applicant proposes operating under a tariff containing charter rates, mileage and/or hourly rates, individual and/or group sightseeing rates, airport shuttle rates, and rates for transportation under contracts with government agencies and private entities.

Applicant verifies that: (1) applicant owns or leases, or has the means to acquire through ownership or lease, one or more motor vehicles meeting the Commission's safety requirements and suitable for the transportation proposed in this application; (2) applicant owns, or has the means to acquire, a motor vehicle liability insurance policy that provides the minimum amount of coverage required by Commission regulations; and (3) applicant has access to, is familiar with and will comply with the Compact, the Commission's rules,

¹ *In re BLS Limo Group, Inc., & Bethany Limo. & Buses, Inc.*, No. AP-03-160, Order No. 7897 (Mar. 25, 2004).

² *In re BLS Limo Group, Inc.*, No. AP-05-195, Order No. 9569 (May 18, 2006).

regulations and orders, and Federal Motor Carrier Safety Regulations as they pertain to transportation of passengers for hire.

Normally, such evidence would establish applicant's fitness,³ but in this case applicant has a history of regulatory violations. When an applicant has a record of violations, the Commission considers the following factors in assessing the likelihood of future compliance: (1) the nature and extent of the violations, (2) any mitigating circumstances, (3) whether the violations were flagrant and persistent, (4) whether applicant has made sincere efforts to correct its past mistakes, and (5) whether applicant has demonstrated a willingness and ability to comport with the Compact and rules and regulations thereunder in the future.⁴

In applicant's first application, the Commission found that applicant had operated a minibus in the Metropolitan District without authority.⁵ In the second application, applicant claimed that it had transferred possession of its vehicles to another carrier, but other evidence indicated that applicant's vehicles were still being operated in the Metropolitan District under applicant's name.⁶

Few violations are more serious than operating without authority,⁷ and it appears that the violations found to have occurred prior to the first application might have continued up until the second application was filed. The record shows this time, however, that applicant has been leasing its vehicles to a WMATC carrier since October 2006. In addition, documents obtained from the Federal Motor Carrier Safety Administration's website,⁸ reveal an absence of any indication of unsafe operations under applicant's federal operating authority prior to the lease arrangement. The Commission has conditionally granted operating authority under similar circumstances in the past,⁹ typically subject to a one-year period of probation.¹⁰ We believe that probation would be appropriate here, as well, given the circumstances.

Based on the evidence in this record, and in consideration of the terms of probation prescribed herein, the Commission finds that the proposed transportation is consistent with the public interest and that applicant is fit, willing, and able to perform the proposed

³ *In re Executive Technology Solutions, LLC*, No. AP-04-84, Order No. 8273 (Sept. 20, 2004).

⁴ *Id.*

⁵ Order No. 7897.

⁶ Order No. 9569.

⁷ *In re Reston Limo. & Travel Serv., Inc., t/a Reston Limo.*, No. AP-93-36, Order No. 4232 (Jan. 11, 1994).

⁸ <http://www.saferys.org/CompanySnapshot.aspx>.

⁹ See *In re Adventures By Dawn L.L.C.*, No. AP-00-89, Order No. 6087 (Jan. 16, 2001) (clean federal safety record); Order No. 4232 (lease of vehicles to WMATC carrier while application pending).

¹⁰ E.g., Order No. 8273; Order No. 6087.

transportation properly, conform to the provisions of the Compact, and conform to the rules, regulations, and requirements of the Commission.

THEREFORE, IT IS ORDERED:

1. That upon applicant's timely compliance with the requirements of this order, Certificate of Authority No. 1389 shall be issued to BLS Limo Group, Inc., 2401 M Street, N.W., Washington, DC 20037.

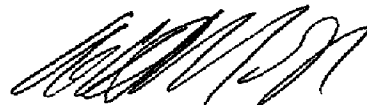
2. That applicant may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

3. That applicant is hereby directed to present its revenue vehicle(s) for inspection and file the following documents within the 180-day maximum permitted in Commission Regulation No. 66: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) a vehicle list stating the year, make, model, serial number, fleet number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) a copy of the for-hire vehicle registration card, and a lease as required by Commission Regulation No. 62 if applicant is not the registered owner, for each vehicle to be used in revenue operations; and (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia.

4. That applicant shall be placed on probation for a period of one year commencing with the issuance of Certificate No. 1389 in accordance with the terms of this order and that a willful violation of the Compact, or of the Commission's rules, regulations or orders thereunder, by applicant during the period of probation shall constitute grounds for immediate suspension and/or revocation of applicant's operating authority without further proceedings, regardless of the nature and severity of the violation.

5. That the grant of authority herein shall be void and the application shall stand denied upon applicant's failure to timely satisfy the conditions of issuance prescribed herein.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director